



March 26, 2019

Chair Ruth R. Hughs
Texas Workforce Commission
101 E 15th St
Austin, TX 78778-0001

Dear Chair Hughs:

I write to you regarding proposed [rule §815.134](#), a regulation proposed by the Texas Workforce Commission (TWC) that could lead to misclassification of workers hired through online platforms. As you know, the *New York Times* (*Times*) and *Texas Observer* (*Observer*) recently reported that this proposed rule was the product of a potentially unlawful and clandestine lobbying effort initiated by an out-of-state corporation, Handy, and executed in concert with your office. These reports further revealed that the TWC, through its spokesperson, may have sought to cover-up Handy's involvement in this proposal and mislead the public about the origin of this proposed policy change. Finally, internal TWC documents made public in the reporting suggests your office worked with Handy to deliberately circumvent the legislative process in an attempt to change the law in the State of Texas.

These revelations are deeply troubling and raise serious concerns about the integrity of proposed [§815.134](#), the TWC's rulemaking process, and your office's commitment to the public trust. Given the disturbing nature of these disclosures, I call on you to withdraw this rule until your office provides complete and thorough accounting of the facts that led to its creation. As you know, I have been working for the past several months in furtherance of my legitimate legislative and budget authority, to understand the truth behind this proposed rule. To aid in my investigation into this matter, and in order to provide the public with the transparency they deserve, please provide thorough, complete, written responses to the questions below by next Tuesday, April 2.

Potentially Unlawful Lobbying

At any point during discussions between your office and lobbyists representing the interests of Handy, which began in 2017, did you or anyone working in your office know that the lobbyists were not registered with the Texas Ethics Commission for Tusk Strategies or Handy?



At any point during discussions between your office and the lobbyist for Handy, did you or anyone working in your office inquire or investigate whether that lobbyists were properly registered to lobby for these companies in the State of Texas?

Does your office follow any policies, protocols, or best practices to ensure that lobbying activity related to TWC rules or proposed rules comports with Texas Ethics laws or is otherwise lawful? If so, please describe those policies, protocols, or best practices. If not, please explain why not.

Does TWC have any formal policies, protocols, or best practices to ensure that lobbying activity related to TWC rules or proposed rules comports with Texas Ethics laws or is otherwise lawful? If so, please describe those policies, protocols, or best practices. If not, please explain why not.

According to internal TWC documents as reported by the *Times* and *Observer*, proposed rule [§815.134](#) is, for all intents and purposes, identical to a proposal shared by lobbyists with the TWC. Please provide citations to any law, statute or case law, that gives the TWC authority to adopt in total proposed rules provided to the TWC by lobbyists.

TWC's Cover-up

According to the [Observer](#) in an article on Jan. 31, 2019: “Asked about potential industry influence in the promotion or drafting of the rule, Communications Director Lisa Givens said, ‘Neither staff nor the Commissioners use outside sources when drafting proposed rules.’” In a subsequent interview with the *Observer*, Givens said: “When I provided my response to you on Jan. 29, 2019, I was not aware of meetings referenced in email records.”

Please explain why you and your office concealed from the TWC Communications Director the extensive contact between your office and a lobbyist representing Handy.

Please explain why your office failed to publicly correct the record after Ms. Givens falsely asserted that the TWC did not receive assistance in the drafting of this rule.

Please provide citations to any law, statute or case law, that gives the TWC authority to conceal the involvement of lobbyists in the creation of rules or proposed rules.

Involvement of the Office of the Governor

Internal documents provided by your office in response to an open records request, indicate you may have deliberated with the office of the Governor about this rule.

Please provide a list of every person in the office of the Governor with whom you or anyone on your staff communicated regarding rule [§815.134](#).

As you know, members of the Texas Legislature have broad authority to legislate on all matters related to the TWC and its statutory authority and to authorize and appropriate funding for the TWC. Answers to the above questions are necessary to allow me to fulfill my legitimate legislative and budget authority. Furthermore, after the revelations of the past several days, Texans deserve no less.

Thank you for your prompt and complete cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ramon Romero, Jr." The signature is fluid and cursive, with a large, stylized 'R' at the beginning.

Ramon Romero, Jr.
State Representative, District 90